

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTOINE EDDIE FLOWERS,

Plaintiff,

-against-

DETECTIVE DONALD SEHL, *et al.*

Defendants.

ORDER

22-CV-2766 (AT) (JLC)

JAMES L.COTT United States Magistrate Judge:

Plaintiff Antoine Eddie Flowers, proceeding *pro se* and *in forma pauperis*, is entitled to service of process by the United States Marshals Service. *See* 28 U.S.C. § 1915; Fed. R. Civ. P. Rule 4(c)(3). By order dated May 10, 2022, Judge Torres directed that the Marshals effect service on defendants City of New York; Detective Donald Sehl #951232; Detective Fred Dorch, #938388; Detective Albert Gonzalez, #941828; and Detective Michael Best, #948866, at addresses provided by Mr. Flowers.¹ Dkt. No. 6. According to the U.S. Marshals Service Process Return and Receipt form (“USM-285 form”) filed on August 10, 2022, the Marshals attempted service on Detective Best, but were unsuccessful because he is “not located at 1 Police [Plaza].” Dkt. No. 16. Defendants City of New York, Detective Sehl, and Detective Dorch were all served, and USM-285 forms have been filed on the docket with respect to each of them. Dkt. Nos. 10, 14, 15. Counsel for City of New York has filed a notice of appearance on behalf of the City. Dkt. No. 11.

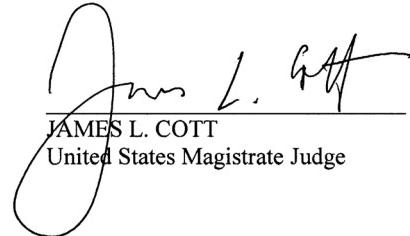
¹ These individuals were named in the complaint Plaintiff filed on April 4, 2022. (Dkt. No. 1)

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant and an address where a defendant may be served. 121 F.3d 72, 76 (2d Cir. 1997). See also *Bryant v. N.Y. State Dep't of Corr. Servs. Albany*, No. 00-CV-3728, 2001 WL 263315, at *1 (S.D.N.Y. Mar. 16, 2001) (ordering counsel to provide address where already-identified defendant could be served).

It is therefore ordered that counsel for City of New York will either accept service on behalf of Detective Best or provide a current address where he may be served. Counsel shall provide this information to the Court within ten (10) days of the date of this order. Once the Court receives this information, if necessary, it will issue an order directing the Clerk of Court to complete the USM-285 form with the address Detective Best and deliver all documents necessary to effect service to the U.S. Marshals Service.²

SO ORDERED.

Dated: August 19, 2022
New York, New York



JAMES L. COTT
United States Magistrate Judge

² Under the Federal Rules of Civil Procedure and the New York Civil Practice Law and Rules (“C.P.L.R.”), defendants have a duty to avoid the unnecessary expense of personal service. Should the Marshals Service be required to serve summonses personally, the Court may, in accordance with the Federal Rules and the C.P.L.R., order that defendants be charged with the reasonable expense of serving process.